

JAN-04-2006 11:00

513 241 6234

RECEIVED
CENTRAL FAX CENTER

513 241 6234 P.01

JAN 04 2006

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPY
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON

OF COUNSEL
THOMAS W. FLYNN
JOHN D. POFFENBERGER

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-421-7269
EMAIL: info@whepatent.com
PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD
J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN P. DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATT
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.

TECHNICAL ADVISOR
HENRY M. LABODA, PH.D.

January 4, 2006

FACSIMILE COVER SHEET

To: David M. Brunsman, Examiner
Central Fax Number
U.S. Patent and Trademark Office
Fax: 571-273-8300

From: Randall S. Jackson, Jr.
Re: Response to Office Action
U.S. Patent Application Serial No.
10/516,362 directed to *Production
Process for Lactulose-Containing
Powder Composition, Lactulose-
Containing Powder Composition
Produced by Same, and Feed Additive*
Inventor: Mamoru Tomita et al.

Pages: 24 (including cover sheet)

MESSAGE/COMMENTS

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 421-7269.

RECEIVED
CENTRAL FAX CENTER

JAN 04 2006

Certificate of Facsimile

I hereby certify that this correspondence is being deposited via facsimile to Commissioner of Patents in the United States Patent and Trademark Office, Attention: David M. Brunsman at fax number (571) 273-8300 on January 4, 2006.

Randall S. Jackson, Jr. 1/4/2006
Randall S. Jackson, Jr. Reg. No. 48,248 Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mamoru Tomita
Serial No.: 10/516,362
Filed: November 30, 2004
Confirmation No.: 4833
Group Art Unit: 1755
Examiner: Brunsman, David M.
Title: **PRODUCTION PROCESS FOR LACTULOSE-CONTAINING POWDER COMPOSITION, LACTULOSE-CONTAINING POWDER COMPOSITION PRODUCED BY SAME, AND FEED ADDITIVE**
Atty Docket: SHG-035P2

Cincinnati, Ohio 45202

January 4, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. Small Entity status is claimed.
 Other than a Small Entity.
3. The fee has been calculated as shown below:

Page 1 of 3

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	5	MINUS	20	= 0	x \$25	\$0	x \$50	\$0
INDEP.	1	MINUS	3	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$180	\$0	+ \$360	\$0	
TOTALS				TOTAL FEE	\$0	TOTAL FEE	\$0	

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

X No additional fee for claims is required.

4. Attached is a check in the sum of .

 Please charge my Deposit Account No. 23-3000 in the amount of
 \$.
A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
one month	\$ 120.00	\$ 60.00
two months	\$ 450.00	\$225.00
three months	\$1,020.00	\$510.00
four months	\$1,590.00	\$795.00

— Attached is a check in the amount of \$____ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

— An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$____.

OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Randall S. Jackson, Jr.

Randall S. Jackson, Jr.

Reg. No. 48,248

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile

JAN-04-2006 11:01

513 241 6234

RECEIVED
CENTRAL FAX CENTER

513 241 6234 P.05

JAN 04 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence for U.S. Patent Application No. 10/516,362 is being transmitted via facsimile to Central Fax Number (571) 273-8300, on January 4, 2006.

Randall S. Jackson, Jr.

Randall S. Jackson, Jr.

Reg. No. 48,248

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mamoru Tomita et al.
Serial No.: 10/516,362
Filed: November 30, 2004
Confirmation No.: 4833
Group Art Unit: 1755
Examiner: Brunsman, David M.
Title: **PRODUCTION PROCESS FOR LACTULOSE-CONTAINING
POWDER COMPOSITION, LACTULOSE-CONTAINING
POWDER COMPOSITION PRODUCED BY SAME, AND FEED
ADDITIVE**
Atty Docket: SHG-035P2

Cincinnati, Ohio 45202

January 4, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed on October 5, 2005, please reconsider the claims in light of the remarks/arguments set forth below.

The Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper